

REMARKS/ARGUMENTS

Claims 3-17 are pending in this Application. All claims have been rejected. Claims 15 and 17 are amended by the present response, no new matter has been added.

Request to Withdraw Finality of the Office Action

Applicant observes that the Office Action of January 26, 2007 was prematurely made final. Pursuant to MPEP § 706.07(c) and (d), Applicant requests that the premature finality of the Action of January 26, 2007 be withdrawn, and that this Amendment and Response to the Office Action be entered as of right.

Under MPEP §706.07, before a final rejection may be issued, a clear issue should be developed between the Examiner and Applicant. MPEP further requires that to “bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied.” In reply to such thoroughly searched and applied action Applicant has a right to amend its claims to avoid all the grounds of rejections and objections. Switching from one set of references to another or from one ground of rejection to another by the Examiner in rejecting in successive actions claims of substantially the same subject matter defeats attaining the goal of reaching a clearly defined issue for an early termination, i.e., either an allowance of the application or a final rejection. *See* MPEP §706.07.

In the Applicant’s Response of October 27, 2006, responding to the Office Action of June 28, 2006, Claims 15 and 17 were amended only insubstantially in response to the Examiner’s rejection of Claims 3-17 under 35 U.S.C. §112, second paragraph. Specifically, in response to the Examiner’s inquiry as to “whether there are two different clocks involved in measuring a time difference between the time of reception of a signal (first clock) and the time in the clock (second clock) receiving the signal transmitted by the satellite,” Claim 15 was amended to recite that the central clock and the remote clock are determining measurement data “by the central clock determining a time difference between the time of reception of a signal from the remote clock and the time of the central clock receiving this signal transmitted by the satellite, and by the remote clock determining a time difference between the time of reception of a signal from the central clock and the time of the remote clock receiving the signal transmitted by the satellite.” In a similar fashion, Claim 17 was amended to recite that the time difference is “determined by

the central clock between the time of reception of the signal transmitted by the satellite from the remote clock and the time of the central clock receiving the signal transmitted by the satellite; and determined by the remote clock between the time of reception of the signal transmitted by the satellite from the central clock and the time of the remote clock receiving the signal transmitted by the satellite.” Thus, the Applicant’s amendment more particularly pointed out the Applicant’s invention, which was already understood and searched by the Examiner, as evidenced by the prior art references cited by the Examiner in Office Actions of June 28, 2006 and November 1, 2005.

The present Office Action introduces a completely new ground of rejection against Claims 15 and 17 and their dependent Claims 6-9, 12, 14 and 16, i.e., a §102(b) rejection over Vanderspool, II et al (U.S. Patent No. 5,261,118). Claims 3-5, 10-11 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vanderspool in view of additional references. Not only the §102(b)/§103(a) rejections are the first rejections on the merits for the present Application but this is the first time during prosecution that the Examiner cited the Vanderspool reference. It has never been mentioned by the Examiner prior to this Office Action, let alone applied to the claims. Moreover, out of four additional references cited against Claims 3-5, 10-11 and 13, only one reference has been previously indicated by the Examiner as relevant to the Applicant’s invention.

While Applicant understands that the rules no longer give him the right to amend as often as the Examiner presents new references or reasons for rejection, Applicant believes that the rules do not sanction premature final rejections. Applicant is seeking to define his invention in claims that will give him the patent protection to which he is justly entitled and therefore, should not be prematurely cut off in the prosecution of his Application. Therefore, withdrawal of the finality of the Office Action of January 26, 2007 is respectfully requested, under MPEP § 706.07(d).

Response to the Rejections

Claims 15 and 17 and their dependent Claims 6-9, 12, 14 and 16 stand rejected under 35 U.S.C. §102(b) over Vanderspool, II et al (U.S. Patent No. 5,261,118). Claims 3-5, 10-11 and 13 were rejected under 35 U.S.C. §103(a) as being unpatentable over Vanderspool in view of additional references.

Reconsideration and withdrawal of these rejections is respectfully requested.

Claims 15 and 17, as currently amended, recite a central clock and a remote clock provided at separate locations and connected to the satellite via a bi-directional, two-way satellite communication link, wherein both the central clock and the remote clock transmit and receive time signals to and from the satellite. Contrary to this limitation of Claims 15 and 17, the cited Vanderspool reference, does not disclose the bi-directional, two-way communication link between a satellite and a remote clock. Instead, as shown in Fig. 1 of Vanderspool, the cited reference discloses a satellite 14 having a one-way communication link with the paging base stations 16 and 18 having remote clocks A and B. Thus, the communication between the satellite 14 and the remote clocks is single-directional, i.e., from the satellite to the remote clocks only, and the remote clocks of Vanderspool cannot transmit signals to the satellite, as required by Claims 15 and 17.

Further, current Claim 17 recites that the remote clock includes “a second transmitting device for transmitting a signal to a satellite.” No such device is shown in either of the two paging base stations 16 and 18 of Vanderspool. Moreover, as discussed above, the remote clocks of the cited reference cannot transmit signals to the satellite. Therefore, there is no “second transmitting device” in either of the two remote clocks of Vanderspool.

Additionally, Claims 15 and 17, as amended herein, recite that the central clock determines a time difference between a local time of the remote clock and the time when the central clock receives the signal carrying this local time of the remote clock. Further, Claims 15 and 17 now recite that the remote clock determines a time difference between a local time of the central clock and the time when the remote clock receives a signal carrying this local time of the central clock. Contrary to these limitations of Claims 15 and 17, the system disclosed in Vanderspool compares the time of arrival of the system timing signal with the time of transmission of the timing signals, where the timing signals are transmitted between the central clock and the satellite. In Vanderspool, timing signals are transmitted only from the central station 12 to the satellite 14 and back. There is no transmission of timing signal to paging base stations 16 and 18. The time difference is directly calculated in the central station 12 and is then transferred to paging base stations, where paging base stations compare the time difference calculated by the central station with their own local timing signal. However, there is no

transmission from paging base stations 16 and 18 via the satellite back to the central station 12. Therefore, the central station disclosed in Vanderspool does not determine a time difference "between a local time of the remote clock and the time when the central clock receives the signal carrying this local time of the remote clock," as required by current Claims 15 and 17.

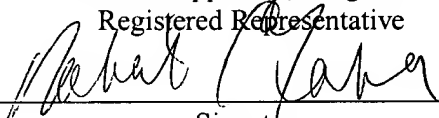
Consequently, Vanderspool does not disclose or suggest the above limitations of Claims 15 and 17. Claims 15 and 17 are believed to be allowable over the cited prior art.

Claims 3-14 and 16 depend directly or indirectly from the above discussed independent claims and are, therefore, allowable for the same reasons, and further on their own merits. In view of the above, it is submitted that all claims in this application are now in condition for allowance. Should the Examiner have any questions regarding the present Amendment or a wish to discuss the application generally, the Examiner is invited to telephone the undersigned attorney.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on April 19, 2007:

Robert C. Faber

Name of applicant, assignee or
Registered Representative

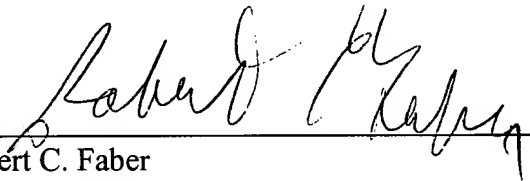


Signature

April 19, 2007

Date of Signature

Respectfully submitted,



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